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EXAMINER	
LIN, KENNY S	

ART UNIT	PAPER NUMBER
2154	

DATE MAILED: 10/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/726,973	SIEGEL ET AL.	
	Examiner	Art Unit	
	Kenny Lin	2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 June 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-18* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-18 are presented for examination.

Specification

2. The disclosure is objected to because of the following informalities: holes have been punched through the application disclosure while the application is assembled. Applicant is required to submit a new copy of the specification and claims.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-2, 7-8, 13 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cuomo et al (hereinafter Cuomo), US 6,286,043, in view of Britton et al (hereinafter Britton), US 6,654,814.

5. Cuomo and Britton were cited in the previous office action.

6. As per claim 1, Cuomo taught the invention substantially as claimed a method of personalizing information presented at a host web site comprising:

a. Obtaining personal data about a user during a visit to the host web site (col.3, lines 45-50, col.4, lines 1-3, 7-10, 45-50, col.6, lines 11-13);

b. After obtaining the personal data, monitoring the content of other web sites visited by the user (col.3, lines 7-12, col.6, lines 11-19); and

c. During a subsequent visit by the user to the host web site, personalizing the information presented to the user (col.3, lines 7-15, col.6, lines 61-67).

7. Cuomo did not specifically teach that wherein the content of the information presented to the user during the subsequent visit to the host web site is related to the content of the other web sites visited by the user. Britton taught to tailor the contents of the other web sites (col.3, lines 29-39, 47-63). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Cuomo and Britton because Britton's teaching of tailoring the contents of different web sites enables Cuomo's method to present a personalized web page containing contents of different web sites that are tailored.

8. As per claim 15, a method of personalizing information presented to a user of a host web site comprising:

a. Collecting identifying data about the user during a first visit to the host web site (col.3, lines 45-50, col.4, lines 1-3, 7-10, 45-50, col.6, lines 11-13);

b. After collecting the identifying data, monitoring the content of other web sites visited by the user (col.3, lines 7-12, col.6, lines 11-19); and

c. During a subsequent visit by the user to the host web site, personalizing the information presented to the user based upon the identifying data collected about the user (col.3, lines 7-15, col.6, lines 61-67).

9. Cuomo did not specifically teach that wherein the personalized information presented to the user is based upon the content of the other web sites visited by the user. Britton taught to tailor the contents of the other web sites (col.3, lines 29-39, 47-63). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Cuomo and Britton because Britton's teaching of tailoring the contents of different web sites enables Cuomo's method to present a personalized web page containing contents of different web sites that are tailored.

10. As per claim 2, Cuomo and Britton taught the invention substantially as claimed in claim 1. Cuomo further taught that wherein the content of the information presented to the user during the subsequent visit to the host web site is related to the personal data obtained from the user (col.6, lines 61-67).

11. As per claim 7, Cuomo and Britton taught the invention substantially as claimed in claim 2. Cuomo further taught to continuously updating the content of the information presented to the user during each subsequent visit to the host web site, wherein the content of the information is updated in response to any changes in the personal data for the user or in the content of the other web sites visited by the user (col.4, lines 1-3, 7-10, 45-50, col.6, lines 11-13).

12. As per claim 8, Cuomo and Britton taught the invention substantially as claimed in claim 1. Cuomo further taught that wherein the content of the other web sites visited by the user includes the URL addresses of the visited web sites (col.7, lines 24-29).

13. As per claim 13, Cuomo and Britton taught the invention substantially as claimed in claim 1. Cuomo further taught that wherein the personal data about the user includes any information used to identify the user as a unique individual (col.7, lines 24-29).

14. Claims 4-6, 9-12 and 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cuomo and Britton as applied to claim 1 above, and further in view of "Official Notice".

15. As per claims 4 and 16, Cuomo and Britton taught the invention substantially as claimed in claims 1 and 15. Cuomo further taught to comprise:

a. Placing profile on a hard disk of the user (col.5, lines 64-67, col.6, lines 1-2); and

b. Recording the personal data about the user and the content of the other web sites visited by the user on the profile (col.5, liens 64-67, col.6, lines 1-2).

16. Cuomo and Britton did not specifically teach that the profile is in the form of a cookie. However, Official Notice is taken that the concept and advantage of using cookies to store web related profile is well known and expected in the art. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Cuomo,

Britton and the use of cookies to store the user profile as a cookie on a hard disk on the user's workstation.

17. As per claims 5 and 17, Cuomo and Britton taught the invention substantially as claimed in claims 4 and 16. Cuomo further taught to retrieve from the cookie the personal data of the user and the content of the other web sites visited by the user (col.7, lines 12-29).

18. As per claims 6 and 18, Cuomo and Britton taught the invention substantially as claimed in claims 5 and 17. Cuomo and Britton did not specifically teach that wherein the personal data of the user and the content of the other web sites visited by the user are retrieved from the cookie during each subsequent visit to the host web site. However, Official Notice is taken that the limitation of retrieving information from a cookie when accessing the corresponding web site of the cookie is essential and expected in the art. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Cuomo, Britton and the use of cookie to retrieve information from the cookie each time the user accesses the host web site.

19. As per claims 9-11, Cuomo and Britton taught the invention substantially as claimed in claim 1. Cuomo and Britton did not specifically teach that wherein the content of the other web sites visited by the user includes the length of time spent viewing, any applets that are downloaded or the number of times the user visits each of the other web sites. Official Notice is taken that the limitation narrowed by these claims are considered obvious and furthermore a

matter of design choice in obtaining statistics or information. Since applicants have not disclosed that the claimed limitation solve any stated problem or are for any particular purpose, it appears that the invention would perform equally well without the claimed features. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include different statistics tracking or calculation and downloaded applets that is needed to support the web site as part of the content obtained.

20. As per claim 12, Cuomo and Britton taught the invention substantially as claimed in claim 1. Cuomo and Britton did not specifically teach to comprise presenting the personalized information on a device selected from the group consisting of personal computers, a laptop computer, set top boxes, wireless phones, pagers and personal digital assistants. However, Official Notice is taken that the limitations narrowed by this claim is considered obvious and furthermore a matter of design choice, since applicants have not disclosed that the claimed limitations solve any stated problem or are of any particular purpose and it appears that the invention would perform equally well without these claimed features. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to efficiently utilize the claimed method in all types of presenting devices.

21. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cuomo and Britton as applied to claim 1 above, and further in view of Subramonian et al (hereinafter Subramonian), US 6,701,362.

22. Subramonian was cited in the previous office action.

23. As per claim 3, Cuomo and Britton taught the invention substantially as claimed in claim 1. Cuomo and Britton did not specifically teach to further comprising obtaining authorization form the user to monitor the other web sites visited by the user. Subramonian taught that the monitoring and collecting step is performed only if it authorized by the user (col.11, lines 66-67). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Cuomo, Britton and Subramonian because Subramonian's teaching of authorizing prior to collecting and monitoring user activities would prevent Cuomo and Britton's method from invading the privacy of the users.

24. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cuomo and Britton as applied to claim 13 above, and further in view of Nickerson et al (hereinafter Nickerson), US 6,606,581.

25. Nickerson was cited in the previous office action.

26. As per claim 14, Cuomo and Britton taught the invention substantially as claimed in claim 1. Cuomo and Britton did not specifically teach wherein the personal data includes the user's name, address, zip code, occupation, phone number, education level, income, marital status, citizenship, home ownership status, age and health. Nickerson taught to include user's name, address, zip code, occupation, phone number, education level, income, marital status,

home ownership status, age and other personal information as the personal data (col.15, lines 61-67, col.6, lines 1-8). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Cuomo, Britton and Nickerson because Nickerson's teaching of personal data requirement would provide a more detailed personal data collection in Cuomo and Britton's method.

Response to Arguments

27. Applicant's arguments filed 6/14/04 have been fully considered but they are not persuasive.

28. In the remark, applicant argued that (1), Cuomo does not disclose or suggest using a host web site for compiling the contents of information viewed by a user while the user surfs the net, whereby the host web site modifies the content presented to the user based upon personal data about the user and the content of the web sites visited by the user. (2), Cuomo and Britton neither disclose nor suggest a method of personalizing information presented at a host web site including "obtaining personal data about a user during a visit to the host web site". (3), Cuomo and Britton do not disclose or suggest the concept of using a host web site to obtain personal data about a user during a visit to the host web site. (4), Cuomo and Britton do not disclose or suggest the step of "after obtaining the personal data, monitoring the content of other web sites visited by the user." (5), Cuomo and Britton do not disclose or suggest the step of "during a subsequent visit by the user to the host web site, personalizing the information presented to the user, wherein the content of the information presented to the user during the subsequent visit to

the host web site is related to the content of the other web sites visited by the user." (6), Cuomo does not suggest that the surfing activities of a user may be tracked over multiple web sites, compiled and forwarded to a host web site, whereby the host web site presents information and content that is customized to reflect the user's personal data and surfing activities. (7), Cuomo and Britton do not disclose or suggest a method of personalizing information presented to a user of a host web site including "collecting identifying data about the user during a first visit to the host web site; and after collecting the identifying data, monitoring the content of other web sites visited by the user". (8), Cuomo does not suggest monitoring activities over multiple servers.

29. Examiner traverse the argument that:

30. As to points (1) and (3), in response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., *using a host web site for compiling the contents* of information viewed by a user while the user surfs the net, whereby *the host web site modifies* the content presented to the user based upon personal data about the user and the content of the web sites visited by the user; *using a host web site to obtain* personal data about a user during a visit to the host web site) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). The claim language of claim 1 reads "obtaining personal data about a user during a visit to the host web site; after obtaining the personal data, monitoring the content of other web sites visited by the user; and during a subsequent visit by the user to the host web site, personalizing the information presented to the

user". Nowhere does the claim language claims or suggests **using a host web site for** compiling the contents, modifying the contents and obtaining personal data.

31. As to point (2), Cuomo taught to obtain personal data about a user during a visit to the host web site (col.3, lines 45-50, col.4, lines 1-3, 7-10, 45-50, col.6, lines 11-13). Cuomo taught to collect information about user behavior in a web page and create user profile containing information about the behavior pattern of the user.

32. As to point (4), Cuomo taught that after obtaining the personal data (created user profile), monitoring the content of other web sites visited by the user (col.3, lines 7-15, col.6, lines 11-19). Cuomo taught to track visitors to web sites and monitor what content they request to see.

33. As to point (5), Cuomo taught that during a subsequent visit by the user to the host web site, personalizing the information presented to the user (col.3, lines 7-15, col.6, lines 61-67). Cuomo taught to use user profiles (records of information about user behavior patterns) to create a customized page content for the specific requesting user. Cuomo did not specifically teach that wherein the content of the information presented to the user during the subsequent visit to the host web site is related to the content of the other web sites visited by the user. Britton taught to tailor the contents of the other web sites and display the contents to the requesting user (col.3, lines 29-39, 47-63). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Cuomo and Britton because Britton's teaching

of tailoring the contents of different web sites enables Cuomo's method to present a personalized web page by tailoring contents of different web sites that the user has visited.

34. As to point (6), in response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., surfing activities of a user may be tracked over multiple web sites, compiled and forwarded to a host web site, whereby the host web site presents information and content that is customized to reflect the user's personal data and surfing activities) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

35. As to point (7), Cuomo taught to collect identifying data about the user during a first visit to the host web site (col.3, lines 45-50, col.4, lines 1-3, 7-10, 45-50, col.6, lines 11-13); and after collecting the identifying data, monitoring the content of other web sites visited by the user (col.3, lines 7-12, col.6, lines 11-19). Cuomo taught to collect information about user behavior in a web page and create user profile containing information about the behavior pattern of the user and to track visitors to web sites and monitor what content they request to see.

36. As to point (8), in response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., monitoring activities over multiple servers) are not recited in the rejected claim(s). Although the

claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

37. Because Applicants have failed to challenge any of the Examiner's "Official Notices" stated in the previous office action in a proper and reasonably manner, they are now considered as admitted prior art. See MPEP 2144.03 C

Conclusion

38. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

39. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenny Lin whose telephone number is (703) 305-0438 and will

be (571) 272-3968 after October 28, 2004. The examiner can normally be reached on 8 AM to 5 PM Tue.-Fri. and every other Monday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (703) 305-8498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ksl
October 22, 2004

10/22/04